THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.6652 of 2006

Dated 05-04-2006

Between:

M/s Srikakulam Service Station (Adhoc),
Represented by Proprietor, Tekkali.

....
PETITIONER

AND

Union of India, rep. by its Secretary
for Ministry of Petroleum, New Delhi,
and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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O R D E R:

This writ petition is filed seeking a Mandamus declaring the action of the respondents 1 to 3 in appointing the fourth respondent as Retail outlet Dealer at Tekkali and asking the petitioner to handover the retail outlet to the fourth respondent as arbitrary and illegal.

The petitioner states that he has been running the retail outlet at Tekkali from 2002 onwards. It is claimed that the said Dealership was granted to him by the second respondent-Corporation initially for a period of six months and subsequently it was extended by order dated 19-01-2004. While so the respondents issued a notification dated 09-11-2005 for appointment of thirty retail outlet dealers in Andhra Pradesh including one dealer at Tekkali. In pursuance thereof, the fourth respondent was allotted the dealership of the retail outlet at Tekkali. It is alleged that the fourth respondent has been demanding the petitioner to handover the retail outlet to him. Hence

this writ petition.

As can be seen from the affidavit filed in support of the writ petition, since the retail outlet in question became defunct in the year 2002, the petitioner, who was running a retail outlet at Srikakulam, was asked by the respondent-Corporation to run the said retail outlet, which is at Tekkali. It appears that to that effect the respondent-Corporation issued proceedings dated 25-07-2003 and subsequently by letter dated 19-01-2004, the respondent-Corporation has extended the *ad hoc* dealership for the period of six months with effect from
25-07-2004. Thus it is clear that even the period of six months with effect from 25-07-2004 has expired long back. Admittedly what was granted in favour of the petitioner was only *ad hoc* dealership for a limited period and the said period has already expired. It is also clear that the respondent-Corporation issued a notification long back in November, 2005, for appointment of the retail outlet dealer at Tekkali and consequently the fourth respondent was selected and appointed as such. In the circumstances, it is clear that the petitioner has not acquired any right to continue as the dealer in respect of the retail outlet in question. In the absence of any such legal right, the petitioner cannot seek a Mandamus compelling the respondents to allow him to continue as

the dealer of the retail outlet in question. Therefore, the writ petition is misconceived.

The writ petition is accordingly dismissed. No costs.

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(G. ROHINI, J)

Date:05-04-2006
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